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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,784	06/27/2001	Frank Bahren	Westphal:6311	9616

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,784

Applicant(s)

BAHREN ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

- 1> This action is in response to Applicant's amendment and remarks. Claims 11-30 are presented for further examination.
- 2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7.28.2005 has been entered.

Response to Arguments

- 4> Applicant's arguments with respect to claims 11-30 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.
- 5> Applicant's arguments filed 7.28.2005 have been fully considered but they are not persuasive. Further, Examiner believes that Applicant's amendment do not overcome the prior art references.

Applicant argues that none of the references disclose the new limitation of "a data

section having a pair of regions, one region containing the data formatted in accordance with the extraneous standard, the second region containing header information associated with the extraneous standard".

Examiner respectfully disagrees with this assessment, and in particular, points to [Figure 7 | column 7 «lines 39-60»] of the Jha reference. In this section, Jha discloses an envelope suited for his invented hybrid data transport protocol. As can be seen from the figure and detailed within his disclosure, Jha's envelope is composed of a header section [Figure 7 «item 202»] and the data section. This data section clearly has two regions for each type of data that is carried in the envelope [see for example, item 204a, which corresponds to the header that is associated with the extraneous standard (PPP) and the following PPP payload]. Further, item 206, or the path signal label (PSL), identifies the type of packet embedded with the payload section of the envelope [column 7 «lines 52-57»].

Based on the preceding remarks, Examiner believes that the amendments do not overcome the Jha reference.

Claim Rejections - 35 USC § 102

6> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7> Claims 11-14, 18 and 20 are rejected under 35 U.S.C § 102(e) as being unpatentable over Jha, U.S Patent No. 6,771,663.

8> As to claim 11, Jha discloses a data telegram for transmitting data within a host network having a standard for the transmission of the data within the host network, the data telegram comprising:

a data section having a pair of regions, one region in the pair of regions containing data formatted in accordance with an extraneous standard that is different than the host network standard [Figure 7 | Figure 9 «item 274» | column 5 «lines 52-55» | column 7 «lines 39-60» where: the host network is SONET]; and

a header section that contains information specifying that the data within the data section are formatted according to the extraneous standard, where a second region in the pair of regions in the data section contains header information associated with the extraneous standard specified by the information in the header section [Figure 7 «items 204a, 204b, 204c» | column 5 «line 67» to column 6 «line 5» | column 7 «lines 39-60» | column 9 «lines 55-60»].

9> As to claim 12, Jha discloses the data telegram of claim 11, wherein the information is contained in a predetermined location in the header section that is otherwise unoccupied [Figure 9 | column 9 «lines 55-60»].

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10> As to claim 13, Jha discloses the data telegram of claim 11, wherein the information is contained in a predetermined location in the header section that is reserved for information that is not relevant to the host network standard [column 9 «lines 55-58»].

11> As to claim 14, Jha discloses the data telegram of claim 11, where the data telegram is divided into frames, the frames into blocks, and the blocks into bytes [Figure 7 | column 8 «lines 20-42»].

12> As to claim 18, Jha discloses the data telegram of claim 11, wherein the extraneous standard comprises Internet Protocol (IP) standard [column 7 «lines 46-49»].

13> As to claim 20, Jha discloses the data telegram of claim 11, where the header section of the data telegram is formatted in accordance with the host network standard [column 7 «lines 39-60» where the host network is SONET (use of the payload envelope)].

Claim Rejections - 35 USC § 103

14> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15> Claims 15 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Jha, in view of the MOST Specification Framework Rev. 1.1 [“MOST spec”].

16> As to claim 15, Jha does disclose a header section with the information contained in the header [column 9 «lines 20-30»] and the information is contained in a predetermined location in the header section [Figure 7 «item 206»] but does not specifically disclose a data telegram where the host network comprises a MOST network, where the host network standard comprises a standard associated with the MOST network.

17> The MOST spec discloses a data telegram wherein the first data transmission protocol is MOST and the host network standard is the MOST standard [section 2.1 | section 3 | section 6 (“MOST Frame Structure”)]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the MOST protocol and standard in Jha’s network to obtain MOST’s advantages of increasing the speed of the network and decreasing cost of technology in automotive environments. Jha suggests this implementation as his network is fully compatible with current and future optical (fiber) networks [column 14 «lines 1-23»].

18> As to claim 16, Jha does disclose the host network in which data are transmitted by means of a telegram having a header section comprising a plurality of bytes [Figure 7 «items 200, 202»] and where the information is contained in a predetermined one of the plurality of

bytes of the header section but does not explicitly disclose a MOST network or a MOST telegram.

19> In an analogous art, the MOST spec discloses a data telegram wherein the network is a MOST network in which data are transmitted by means of MOST telegrams having a header [section 2.1 | section 4 | section 6 (“MOST Frame Structure”)]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Jha’s ring network and frames as a MOST network and MOST telegrams respectively, to obtain MOST’s advantages and functionality of increasing the speed of the network and decreasing cost of technology in automotive environments.

20> Claims 17 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Jha, in view of in view of Flanders et al, U.S Patent No. 6,172,980 [“Flanders”].

21> As to claim 17, Jha discloses that his network is suited for transporting data of extraneous standards [column 14 «lines 24-30»], but does not explicitly disclose that the extraneous standard comprises a Transmission Control Protocol (TCP) standard.

22> Flanders teaches a data telegram wherein the extraneous standard is TCP [column 7 «lines 12-14»]. It would have been obvious to one of ordinary skill in the art to implement TCP as the extraneous standard for Jha’s data telegram, as TCP is a ubiquitous standard in the network arts.

23> As to claim 19, Jha discloses that his network is suited for transporting data of extraneous standards and especially packets [column 14 «lines 24-30»], but does not explicitly disclose that the extraneous standard comprises an Internet Packet Exchange protocol (IPX) standard.

24> Flanders teaches a data telegram wherein the extraneous standard is IPX [column 6 «lines 8-11»]. It would have been obvious to one of ordinary skill in the art to implement IPX as the extraneous standard for Jha's data telegram, as IPX is a ubiquitous standard in the network arts.

25> Claims 21-26 and 28-30 are rejected under 35 U.S.C § 103(a) as being unpatentable over the MOST spec, in view of Jha.

26> As to claim 21, the MOST spec discloses a data telegram for transmitting data within a MOST network having a MOST standard that defines the transmission of data within the MOST network, the data telegram comprising:

a data section containing data formatted in accordance with a prescribable extraneous standard that is different than the MOST standard [section 2.5 | sections 5, 6.7, 6.8.(1-4)] where : the MOST standard is compatible with a number of different protocols, the packets of which are transported to the various nodes using the MOST standard].

The MOST spec also discloses a header section having a plurality of bytes [section 5, page 31] but does not explicitly disclose that the header section has a predetermined region of which contains information specifying that the data section is formatted according to the extraneous standard or that the data section has a pair of regions.

27> Similar to Jha, MOST spec is directed towards transporting various data types within container structures [section 6.6, section 9 : “equipment such as multimedia computers, analog audio gateways, multimedia CD players, hi-fi audio equipment, telecommunication terminals...etc, can all be networked to interact”]. As such, one of ordinary skill in the art would realize the need for a means of identification of the data stored in the containers so the destination nodes are aware of the kind of data they are receiving. Jha discloses a network similar to MOST [a hybrid data transport over optical networks], and specifically, a data section having a pair of regions, one region in the pair of regions containing the data, and the second region containing header information associated with the extraneous standard specified in the header section [Figure 7 | column 7 «lines 39-60»], as well as a header section having a predetermined region that contains information specifying that the data within the data section are formatted according to the extraneous standard [column 7 «lines 46-49»]. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Jha’s header functionality into MOST’s header to enable identification of the multiple traffic types (standards) of the data payload. Further, it would have been obvious to incorporate Jha’s data section with its pair of regions into MOST’s data section to enable an increase in the data traffic capabilities of the MOST network.

28> As to claim 22, the MOST spec discloses the data telegram of claim 21, where the predetermined region in the header section that is otherwise unoccupied in accordance with the MOST standard [section 5 - page 31 where: the coding field is the predetermined region, and since the field is specifically for indicating the kind of data, it is otherwise unoccupied by any other information besides the coding information].

29> As to claim 23, the MOST spec discloses the data telegram of claim 21, where the predetermined region in the header section is reserved for information that is not relevant to the MOST protocol [section 5 - page 31 where: the coding field contains information only about the protocol of the data being carried in the payload].

30> As to claim 24, the MOST spec discloses the data telegram of claim 21, where the information is contained in the header section [section 5 - page 31], but does not explicitly state that the it is contained in the last byte of the header section.

31> Saito discloses a frame header that stores information of the kind of data in the last byte of the header section [column 1 «line 60» to column 2 «line 1»]. It would have been obvious to one of ordinary skill in the art to implement Flanders' header into the MOST header to obtain the advantage of having a fixed location for the protocol identifier in the header; this way, the network devices can quickly locate the protocol type of the data.

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32> As to claim 25, the MOST spec discloses the data telegram of claim 21, where the extraneous standard comprises a Transmission Control Protocol (TCP) standard [section 2.5 – see “MOST ‘Open’ Model” figure].

33> As to claim 26, the MOST spec discloses the data telegram of claim 21, wherein the extraneous standard comprises an Internet Protocol (IP) standard [section 2.5, section 9 – see “MOST ‘Open’ Model” figure and “multimedia computers”].

34> As to claim 28, the MOST spec discloses a MOST multimedia system comprising:
a plurality of multimedia devices communicably coupled through a communication path and defining a MOST network, where the MOST network includes a standard that defines transmission of data within the MOST network, and wherein the multimedia devices transmit and receive data telegrams within the MOST network standard [sections 2.1 and 2.4],

wherein the data telegram comprises:

a data section containing data formatted in accordance with a prescribable extraneous standard that is different than the MOST standard [section 2.5 | sections 5, 6.7, 6.8.(1-4)].

The MOST spec also discloses a header section having a plurality of bytes [section 5] but does not specifically disclose a header has a predetermined region that specifies that the data section is formatted according to the extraneous standard nor does he disclose a data section having a pair of regions, one region in the pair of regions for the data, and where a

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second region in the pair of regions in the data section containing header information associated with the extraneous standard.

35> Similar to Jha, MOST spec is directed towards transporting various data types within container structures [section 6.6, section 9 : “equipment such as multimedia computers, analog audio gateways, multimedia CD players, hi-fi audio equipment, telecommunication terminals...etc, can all be networked to interact”]. As such, one of ordinary skill in the art would realize the need for a means of identification of the data stored in the containers so the destination nodes are aware of the kind of data they are receiving. Jha discloses a network similar to MOST [a hybrid data transport over optical networks], and specifically, a data section having a pair of regions, one region in the pair of regions containing the data, and the second region containing header information associated with the extraneous standard specified in the header section [Figure 7 | column 7 «lines 39-60»], as well as a header section having a predetermined region that contains information specifying that the data within the data section are formatted according to the extraneous standard [column 7 «lines 46-49»]. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Jha’s header functionality into MOST’s header to enable identification of the multiple traffic types (standards) of the data payload. Further, it would have been obvious to incorporate Jha’s data section with its pair of regions into MOST’s data section to enable an increase in the data traffic capabilities of the MOST network.

36> As to claims 29 and 30, they do not teach or further define over the limitations recited

in claims 24-26. Therefore, claims 29 and 30 are also rejected for the same reasons set forth in claims 24-26, supra.

37> Claim 27 is rejected under 35 U.S.C § 103(a) as being unpatentable over MOST and Jha, in further view of Flanders.

38> As to claim 27, the MOST spec discloses compatibility with a number of extraneous standards, including IP (see paragraph 32, section 9 : "telecommunication terminals"), but does not explicitly state that the extraneous standard is an Internet Packet Exchange (IPX) protocol standard.

39> Flanders discloses IPX as an extraneous standard for a data telegram [column 6 <lines 8-11>] where IPX and IP are compared to each other as routing protocols. Therefore, it would have been obvious to one of ordinary skill in the art to have implemented IPX as an extraneous standard into the MOST spec as well in addition to IP, as they are both routing protocols, and would have obtained the further advantage of being compatible with IPX.

Conclusion

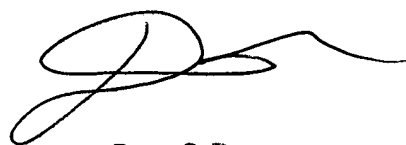
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

A handwritten signature in black ink, appearing to be 'Dung C. D.', with a stylized, flowing script.

Dung C. D.
Primary Examiner